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Establishment of an international criminal court

Establishment of an international criminal court: programme budget implications of draft resolution A/C.6/53/L.9

Statement submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly

A. Request contained in draft resolution A/C.6/53/L.9

1. By operative paragraphs 4 and 5 of draft resolution A/C.6/53/L.9 on the establishment of an international criminal court, the General Assembly would:

(a) Request the Secretary-General to convene the Preparatory Commission to meet, in accordance with resolution F adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court, in order to perform the mandate of that resolution, and in that connection to discuss ways to enhance the effectiveness and acceptance of the court, in February 1999 (two weeks), July/August 1999 (three weeks) and November/December 1999 (three weeks);

(b) Request the Secretary-General to make available to the Preparatory Commission secretariat services, including the preparation of working documents if so requested by the Preparatory Commission, to enable it to perform its functions.

B. Relationship of the proposed requests to the medium-term plan for the period 1998–2001 and to the approved programme of work for the biennium 1998–1999

2. The above requests relate to subprogramme 4.3 (Progressive development and codification of international law) of programme 4 (Legal affairs) of the medium-term plan for the period 1998–2001, and section 6 (Legal affairs) of the programme budget for the biennium 1998–1999.

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C. Activities by which the proposed requests would be implemented

3. Should the General Assembly decide to adopt draft resolution A/C.6/53/L.9, the Preparatory Commission for the International Criminal Court would be convened in accordance with resolution F referred to in paragraph 1 above. Furthermore, secretariat services would be made available as needed to enable the Preparatory Commission to perform its functions.

D. Modification required in the programme of work for the biennium 1998–1999

4. The activities called for in the draft resolution fall under paragraph 6.64(a), "Servicing of intergovernmental and expert bodies", of subprogramme 3 (Progressive development and codification of international law) of section 6 (Legal affairs) of the programme budget for the biennium 1998–1999. Modification would be required to include the substantive servicing of the Preparatory Commission, which should be cited under activities 6.64(a)(i), "Substantive servicing of meetings", and 6.64(a)(ii), "Parliamentary documentation", of the programme budget for the biennium 1998–1999 as follows:

6.64(a)(i)a.vi: Preparatory Commission for the International Criminal Court (3 sessions, 80 meetings);

6.64(a)(ii)c.vi: Preparatory Commission for the International Criminal Court. Pre-session and in-session documentation; working documents and draft reports of the Commission.

E. Requirements at full cost

5. The implementation of the requests contained in draft resolution A/C.6/53/L.9 would require a total resource provision of $2,346,200. Of this amount, a portion would be absorbed within the programme budget approved for 1998–1999 and the remaining portion would require provisions under the programme budget for 1998–1999.

6. The requirements for the substantive servicing of the Commission are as follows:

General temporary assistance ($368,800): Provisions would be required for two P-4 staff (24 work months) for conducting research, collecting information, preparing analyses and background papers on subjects mentioned in resolution F referred in paragraph 1 above, and servicing the Preparatory Commission. In addition, provision is included for temporary assistance of two General Service staff (24 work months) to provide secretarial services;

Consultants ($110,000): Services of consultants would be required to carry out research and analytical work on legal issues and prepare background and working documents for sessions of the Commission in specialized areas of criminal law which are not addressed by staff in the Office of Legal Affairs, and also in areas referred in resolution F of the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court. Accordingly, a provision has been included for services of consultants, who would be engaged for limited periods during 1999;

Travel ($12,800): A provision has been included for the travel of staff for consultations and research in connection with the draft texts of various documents for the Preparatory Commission;

Overtime ($24,800): In anticipation of the requirement of increased service when the Preparatory Commission is in session (8 weeks), a provision has been made for overtime;

Equipment ($31,000): In order to provide the temporary staff with the necessary computer equipment, five computers, including monitors and printers would have to be procured. In addition, two laptop computers would be required for use by the staff who would be required to travel and by the consultants. Furthermore, in order to ensure that reports and other documents of the Commission are available in a timely manner, a high-speed photocopying machine dedicated to the work of the Preparatory Commission would have to be rented. Accordingly, a provision has been included for the procurement and/or rental of equipment;

General operating expenses ($12,000): A provision has been included for the general operating expenses requirement, pertaining mainly to communications with members of the Bureau and capitals, and miscellaneous expenses.

7. Conference servicing costs, which are estimated on a full-cost basis at $1,376,800, are based on the following assumptions:

(a) There would be three sessions in 1999, two of three-weeks' duration each and one of two-weeks' duration, with two meetings a day;

(b) Interpretation and translation services would be provided in all six official languages of the General Assembly;

(c) There would be 150 pages of pre-session, 60 pages of in-session and 32 pages of post-session documentation for each of the first two sessions, and 150 pages of pre-session, 40 pages of in-session and 32 pages of post-session documentation for the last session of the Preparatory Commission;

(d) Summary records would not be required.

F. Contingency fund

8. It will be recalled that under the procedure established by the General Assembly in its resolutions 41/213 of 19 December 1986 and 42/211 of 21 December 1987, a contingency fund is established for each biennium to accommodate additional expenditures derived from legislative mandates not provided for in the proposed programme budget. Under this procedure, if additional expenditures are proposed that exceed the resources available from the contingency fund, the activities concerned can be implemented only through redeployment of resources from low-priority areas or modifications of existing activities. Otherwise, such additional activities will have to be deferred to a later biennium.

9. A portion of the total resource requirement would be absorbed within the approved programme budget for the biennium 1998–1999, since the following activities envisaged under subprogramme 3 (Progressive development and codification of international law) of section 6 (Legal affairs) were reduced:

(a) The Advisory Committee of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law decided to hold only one session instead of the two envisaged;

(b) The United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court was held for only 5 weeks instead of the anticipated 8 to 12 weeks;

(c) The international conference to consider the draft articles adopted by the International Law Commission on the Jurisdictional Immunity of States and their property will not be held during the current biennium.

10. The substantive servicing has therefore been substantially reduced and the requirement of documents that would have had to be prepared is less than originally planned.

G. Potential for absorption

11. in order to provide substantive secretariat services to the Preparatory Commission, use will be made, to the extent possible, of the existing resources of the Office of Legal Affairs to absorb some of the costs of substantive servicing. As mentioned above, a number of activities have been reduced or cancelled. Accordingly, it is assumed that, out of the total requirement of $969,400 for substantive secretariat services, an estimated amount of $410,000, corresponding to approximately 44 work months would be absorbed within resources approved for the biennium 1998–1999 under section 6 (Legal affairs), of the 1998–1999 programme budget.

12. In connection with conference-servicing requirements, the programme budget for 1998–1999 includes provision, not only for meetings already in the calendar of conferences but also for meetings to be added later by decisions of the General Assembly, provided that the number and distribution of meetings is consistent with the pattern in previous years. On this basis, it is not anticipated that additional resources will be required for conference servicing.

H. Action required from the General Assembly

13. Should the General Assembly adopt draft resolution A/C.6/53/L.9, a requirement of $559,400 would arise under the proposed programme budget for 1998–1999. An amount of $74,400 would also be required under "Staff assessment", to be offset by the same amount under "Income from staff assessment".